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COMMONWEALTH OF PUERTO RICO,

UNITED STATES OF AMERICA,

Plaintiff,

Defendants.

v.

et al.,

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## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO

**CASE NO. 12-2039 (GAG)** 

### **ORDER**

As directed by the Court, on April 17, 2019, the parties submitted a joint proposed budget for the Federal Monitor's Office (JCC), for the fiscal year 2019-2020 (Docket No.2439). The same has been approved by the Court. (Docket No. 2441). Although the Court understands that the Federal Monitor's Office in the future needs more ample resources (as provided in the original Budget Order at Docket No. 2400), it nonetheless commends the parties and JCC for their effort in reaching a consensus regarding this matter. This is a very significant step in the right direction.

It is important to note that the principal role of the JCC's Office is, but is not limited to, reporting and monitoring the Commonwealth's compliance with the mandates of the JCAP and corresponding Court orders. The JCC's role encompasses all matters that may affect directly or indirectly the JCAP, including budgetary matters. The JCC's role has expanded with the consent of the parties over the past several years, and the joint motion filed by the parties (Docket No. 2439) contains language that pertains to aspirational matters to obtain a consensus.

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Regardless, the Court is aware that the Commonwealth is still the party responsible for complying with the aforementioned mandates that it agreed upon when it entered into the JCAP. The JCC's Office cannot be expected to produce higher compliance results for the Commonwealth with additional responsibilities and limited resources. Furthermore, the JCC's Office must be able to implement the strategies that it may deem necessary not only to effectively monitor compliance with the mandates of the JCAP, but to ensure that the rights and well-being of the ID/DD population are being safeguarded and that outstanding issues concerning this population are being addressed in a comprehensive manner.

In regards to office space for the JCC's Office, the Commonwealth shall provide an adequate space in an existing Commonwealth-owned or -leased building on or before July 1, 2019. Said space cannot be in the same building as any other office of the Department of Health. The Commonwealth and JCC shall meet immediately to address this matter. In addition, the Commonwealth and JCC shall also discuss obtaining a Commonwealth possessed vehicle for official use by the JCC office.

As a final note, the Court is accepting the present budget for the fiscal year 2019-2020, but alerts the parties that it will pay close attention to the progress achieved by the Commonwealth in order to properly revisit all budget considerations for fiscal year 2020-2021, as warranted.

#### SO ORDERED.

In San Juan, Puerto Rico this 13th day of May 2019.

s/ Gustavo A. Gelpí GUSTAVO A. GELPÍ United States District Judge